

BOARD OF MAYOR AND ALDERMEN

August 1, 2006

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were eleven Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Forest

Absent: Aldermen Garrity, Smith, Thibault

3. Presentation to the City regarding the placement of Stark Park on the National Historic Register by Co-Chairs of the Friends of Stark Park, Kit Reno and Patricia Howard.

Ms. Patricia Howard stated I live at 2264 Elm Street and with me is Kit Reno. We are the Co-Chairs of the Friends of Stark Park and as you probably know the park has been placed on the National Historic Register noting that it happened quickly. We really want to thank everyone who helped. Specifically, and there are others I’m sure but Michael Lyons, Tom Mattson, Kevin Kinsey, Scott Tardiff and Todd Boucher to name a few. Last but not least Mark Roy has helped us. Mark as you know lives in the neighborhood of the park and saw what was happening.

Ms. Reno stated I just wanted to add that one of the things that is very important for all of us is that this be a park that’s for the entire City. We feel very blessed that we have it in the northend but we want to work to make this a park that everyone in the City will come and enjoy. Currently, we have over 125 memberships...that’s our couples and single people. And, so far everything that we’ve done in the park has been done with membership money. Probably the biggest thing that we’ve done that we hope will become a tradition for the City is an Easter Egg Hunt that we hosted this year and we had over 750 people attend for the first time. We had flyers in both English and Spanish and next we’re going to expand that as well. As I said everything so far has just been done with membership money but the next few stages that we’re going to be pursuing on the master plan will require lots more money to make that happen. So, that’s one of the benefits of being on the National Register...we can apply for grants and funding and so we’ll complete this by saying any help you can give us in that respect guiding us through funding options or grant monies would be greatly appreciated. Thank you very much.

Ms. Howard and Ms. Reno presented a Certificate to the Mayor that read:

The Division of Historical Resources
Department of Cultural Resources
State of New Hampshire

Certifies That

Stark Park

In
Manchester, New Hampshire
Has Been Listed To The National Register of Historic Places

June 14, 2006

s/Van McLeod	James McConaha	Christine Fonda Rankie
Commissioner	Director	National Register Coor.
Dept. of Cultural Resources	Div. Of Hist. Res.	
	State Historic Preservation Ofcr.	

Alderman Roy stated thank you, Mr. Mayor, that is not without great hardship that this finally comes to fruition this evening and Stark Park which is a wonderful City park is now on the National Register. But, I can't commend the founding members of Stark Park enough...the neighbors and the people throughout the City saw that there's a problem with crime in that area...got together through a ward meeting and decided how to tackle it and a great organization that's now run by Kit and Patricia came about from that. But, it just goes to speak volumes as to when a neighborhood gets together what it can do for the City and what it can do in the sense of private funding. So, at this time I'd like to thank both the Co-Chairs and the membership of the Friends of Stark Park for bringing a lovely park back to what it should be and I can't wait to see what it is ten years from now. Thank you.

4. Recognition of contributors to the Manchester Art Fund.

Mayor Guinta requested Georgie Reagan approach. Georgie's been fantastic with helping myself and the former Mayor in really trying to establish and reestablish an arts and cultural epicenter in Manchester. She's done a wonderful job...someone that I'm very proud to have continue to serve the City in that capacity and I certainly hope that she'll continue to serve long after I'm gone because she's really an asset to the community and she really strives to make arts and culture what I think is something of great significance to the City. So, I'm going to turn it over to Georgie who can talk a little bit about the fund and then we'll honor the people who have supported us financially in the last few months.

Ms. Georgie Reagan stated just to let you know the Arts Commission has given me this privilege of making this presentation and as I left the Commission I was made the Mayor's Assistant for the Arts, they allowed me to take some of my pet projects with me and at the top of my list was the Manchester Art Fund. For those of you who do not know what it's all about it's a non-lapsing fund that's designated strictly to public art and if anybody is keeping

records the last piece of public art that was commissioned by the City of Manchester is our very own Mill Girl that's behind me here and that was 18 years ago and so we're doing everything kind of hustling to catch up and the Manchester Art Fund is the way of doing that and I have to tell you that while Bob Raiche is standing there that we have adopted him as the official photographer of our Mill Girl who's our logo and we also have some lovely brochures at the back if anybody would like to find out how they may help with the Manchester Art Fund and we do accept contributions from everyone. We have a couple of main income streams...only two...one of which is the Manchester Artists Association whose rent goes directly to the Manchester Art Fund and those who use the exhibit space in the main floor of City Hall pay a fee and that fee goes directly to the Art Fund...it's usually paid by the artists occasionally we require sponsors or they require sponsors and so it's nice to know that people like Crystal Nadeau who is the Owner and President of Good Brain Academy sponsored her own art exhibit, loved it so much and did so well that wanted to do another one and her sponsors are her peers, her students, her former students and fellow art/business owners and they are the ones who sponsored Crystal's second tour of City Hall and I'm sure she's like to do it many times following this. So, this is how it works to benefit the whole public art situation. We have five or six sponsors here and unfortunately the summer weather does this to all of us...most of them are away. So, I'd like you to meet Crystal Nadeau the President of Good Brain Academy and she's going to accept on their behalf and we're just going to read the names and maybe the Mayor would like to read them off of the brochure. These are the sponsors: Darryl Eames (eknives.com), John Hutchins, Tim Lord, printszoo.com, Hans Winthrop, Lexica, Inc. and Tim Bassett of Focus Marketing and one who was a sponsor of a previous art exhibit was Dan Prior from AutoFair. So, we appreciate their contributions, we appreciate Crystal's contribution and we hope that everybody follows along and uses our exhibit space and I think the Mayor will just give the documents to Crystal and Crystal will give them to the wonderful sponsors with our gratitude. Thank you all, thank you very much.

Mayor Guinta stated I think that does conclude the presentation and I just wanted to thank the Commissioners for being here as well and thank you again for your support of the arts and again if you want to give to the Arts Fund you can contact Georgie at our office 624-6500...we're always looking for donations. So, thank you very much.

5. Presentation of Arts Award.

Mayor Guinta advised that the recipient of the Arts Award was unavailable this evening and would be presented at another meeting.

Mayor Guinta stated before we get to the Consent Agenda I just wanted to briefly address some of the issues, crime related issues that have been plaguing the City over the last several

weeks. I know that this issue has been of great concern not only to myself but to other Aldermen on the Board. I certainly heard from just about every Alderman about this issue and rightfully so. I have met with the Police Department this week and last week...there are a number of things that I believe we're going to be undertaking but because this is such a serious issue I did talk with the Chairman of the Board today about having a special board meeting a week from this evening at seven o'clock at which point we'll get a full review and update from the department as to the status not just as a whole for the crime issues that are going on but some of the specific updates regarding some of the particular issues. Now, the Chairman of the Board issued a letter yesterday about adding reserve officers. I've talked to the Chairman of the Board, I think it's a wonderful approach to how we can combat the crime issues in the City, I certainly commend him for bringing forth ideas in a collaborative way to improve this community as I've heard from (in writing) Alderman O'Neil and many of the Aldermen verbally who have expressed the same concern and the same solution based approach to how we address crime in the City. So, with that I do want to recognize Alderman Lopez to talk a little bit and we'll have a special meeting on Tuesday to address this issue which I think certainly deserves our full attention and the City's full attention.

Alderman Lopez stated for the public purpose...I know the Board of Mayor and Aldermen have received my correspondence but for a number of months, I have studied the issue of more police officers. As you know, we have recently hire more police officers but that's not the whole story. Regular officers are tied up with certain jobs that take them off the street. Some of these jobs could be done by reserve officers. After studying what needs to be done, it is my opinion that having a larger reserve force could help in many areas that would keep the regular officer on the street. During this process, I have worked with both the Police Chief and Police Union to move forward with this plan. I, therefore, respectfully request that the enclosed document be approved under new business on August 1st in order for the Chief of Police to start implementing this 20-man reserve force that will assist him to have regular officers to be on the streets by providing reserve officers when needed to supplement the force in areas such as booking, crime scene, or extra detail or using reserve officers for serving subpoenas as agreed by the union. One other area maybe reserve officers could be used would be as PCO's (Parking Control Officers) with such money coming out of the enterprise fund. Many Aldermen on this Board have complained about their wards not having enough PCO's to go into their wards and clean up whether it be vehicles parked illegally or whatever the case may be and the money could come out of the Enterprise Fund. So, it wouldn't cost the taxpayers any money for that. I'd just like to point out five points to the public because the Aldermen have received the details. Retired reserve officers are already familiar with the standard operating procedures of the Manchester Police Department. In the event of a disaster the Police Department would have a reserve force to call on which they could have used during the flood. Using reserve officers for special circumstances and details when full-time officer cannot or in the case that they don't want to fill different detail type duties and I think Alderman O'Neil mentioned that at one of the Traffic meetings trying to get officers at nightclubs and such...so these reserve officers once

these regular officers took their detail they could perform that duty. Using reserve officers for special circumstances and details when full-time cannot would benefit the Police Department and the City by placing more uniformed officers on the street. A larger reserve force could help save the Police Department and the City money. There are many officers that have time enough to retire and some of them are making fifty, sixty thousand dollars and this would be an opportunity for a young officer to come in about thirty-seven, thirty-eight thousand dollars...so there would be a major savings by having retired officers work during those jobs that regular officers can't get to. The reserve officers could be self-funded...that's a major area of this particular proposal. At the present time the four officers received thirty-five dollars and some cents and the new officers would receive \$32.00...so that would put money into a self-serving fund for the Chief of Police to utilize for necessary training, weapons and other things or supplement an 8-hour shift which is one of the requirements that a reserve officer must perform in order to be a reserve officer. It's nothing new, it should have been expanded...I think it's the time we need to expand it from a direction I hear from a lot of Aldermen. I think that we need that direction to give to the Police Department and move forward with this and hope that this concept that the Mayor is speaking of is that we move forward in a positive way/attitude and say that we're going to do it. We, Aldermen, as directors of the City need to see that it gets done. It's going to take time a little bit, it's going to take publicity, it's going to be educational for today's officers that are in retirement stage if they want to do that and move forward. But, I think in time could have a good 20-man force that would be good for the City and help get rid of the undesirables that we don't want in our City and I think we all will do everything we can to make sure that we don't become another Lowell or Lawrence or others...Patterson, New Jersey for an example...that we just move forward in a positive direction and not negative. There will be some cost, very little cost...a little cost in comparison to a \$20 million budget and one of the other areas to keep in mind that where there's necessary funds that can be used for this as we move along this process. There's a vacancy rate in the Police Department...we can transfer money out of the salary line item in order to do some of these items. But, to establish the self-sufficient fund I think in the long run will help the Police Chief perform some of their duties. So, I've agreed in principle to move forward only on the basis that this concept be approved tonight and move forward to a special meeting and with that, your Honor, I think some of the Aldermen would like to comment.

Alderman Gatsas stated I certainly believe that we need to take and address the crime situation in the City of Manchester but for anybody to suggest that we further align items of the salary adjustment account in a budget that I voted against because they stripped money out of that account...that we were attempting to get police officers and the Police Department more funding I certainly want to make sure that when we start addressing this issue in the budget that we depleted that line item. Let's not put falsifications in there that there's money to take care of it because that line item was directly affected in the budget that came before this Board. So, one, either we address the situation for safety but let's not do it at the subject of other departments because in that line item was adjusted. It's a lot less than

what I had in there and less than what the Mayor had in there. So, let's not play a game that we say that we have money in the line item that we depleted in the budget. So, again, let's take a serious look and a serious affect because if this isn't opening up a negotiation in an unfair labor contract I don't know what is because I've talked to Chief Driscoll about this three years ago, four years ago about increasing the amount that we charge for duty on the streets for paving and whatever and a piece of that money would come back into the general fund and...it is \$1.78 to pay for the processing of the checks...so, if we think that's enough to come into the general fund when communities like Keene are charging \$65.00 then we should do it correctly. But, Alderman, I applaud you for your research but if you've been working on it for four months why didn't you bring it forward during the budget process.

Alderman Lopez stated you know, Alderman, I'm not going to get into a major debate with you.

Alderman Gatsas interjected I hope you wouldn't.

Alderman Lopez stated but I'll tell you this...you're wrong in your assumptions, okay. Secondly, the money that the Police Department got in their budget...I'm talking about the vacancy rate I'm not talking about the salary adjustment account because the vacancy rate that the Police Department has they're already funded and they could transfer money out of there. So, your assumption that it's going to come out of the salary adjustment account as far as the Mayor is concerned in his line item is not true. There's a lot of things that have to be worked out but the reserve officers is a program that was started four years ago when I was on the Human Resources Committee...so it's just simple math as you've indicated many times...simple math and if we work it and we work it in the right direction with a positive attitude I think we're all going to win and fight crime.

Mayor Guinta stated let me just reiterate. When Alderman Lopez and I spoke today about this issue I again applauded him for bringing forth the proposal that has serious merit and has a very positive impact on how we fight crime in the City. Because we want to get this right we want to work collectively and collaboratively over the next seven days to iron out any of the details whether they're financial, whether they're union-related, labor-related, safety issues, equipment issues, accreditation issues...all the issues that probably are things that we should be discussing in a week from now once we've had the opportunity to meet with the Patrolmen's Association, the Police Chief, the Assistant Chiefs, the Deputy Chiefs and the members of this Board. So, I certainly want to make sure that the public recognizes the unification of this Board and the pro-activeness and the assertiveness and the positive way in which we want to conduct ourselves to fight crime in this City. I know that every member of this Board takes crime seriously and I know that there are some nuances we have to work out in the proposal, it's a good proposal, it's probably part of a larger approach to what I think we can probably provide by way of working with some of the additional federal grants that may be available to us, I do have Dennis Hebert working on that at the moment. We've

already reached out to the Congressional Delegation, I've already met with the department to talk about how to change the tactics and strategies which we've employed this summer...some of which have worked very, very well. We've talked about some of the different mechanisms by which we can put more officers in the streets...those things some of which are being done as we speak because we do have to send that message and we have to send that message immediately that this City will not tolerate the kind of violence that we have seen...the isolated insolence that we've seen over the last month. But, I think to give us time...one week's time to finalize what I think is a very good proposal makes a lot of sense and again working in that positive approach sends the right message to the City, sends the right message to the public that we are unified and that we will win what has been a very challenging few weeks of incidents.

Alderman Lopez stated I would just to remind and get the document to the Board next week on the reserve officer plan that's already in place and definition of purpose of reserve officers and what they're expected to do. So, it's just moving forward and recruiting those officers.

Alderman O'Neil stated your Honor, I want to thank you for your comments and I do want to thank Alderman Lopez for the works he's done on this because I think it's part of the solution. My colleague Bill Shea spoke in the Public Safety and Traffic meeting...we were having a discussion about the Housing Code and Building Code situation...Alderman Shea very graciously spoke of how it's more than just crime that affects quality of life...it's living conditions...I certainly don't want to speak for him but I think he hit the nail on the head when he spoke about it in the City. Just as a courtesy may I read my letter into the record.

Mayor Guinta replied certainly.

Alderman O'Neil stated it's funny...it's not funny...it's interesting that all of this is coming to a head at this time. I wrote this letter without any knowledge that all this other stuff was going on but:

"I share the concern of many in our community with regard to crime, especially the violent acts that have happened in our City since the springtime. The Board of Mayor and Aldermen needs to stand together on behalf of our citizens and say "enough is enough" and move forward with a united effort that will take back our streets.

We, as a City, need to develop both a short-term and long-term plan to not only address crime today but hopefully prevent some of it from happening in the future. It is not only an issue for our Police Department but needs to include other City agencies and our School District. (and, the young man Joshua Dolman spoke about it...there's been some decisions made at the School District that affects this whole picture where it's a Middle School Resource officers or the DARE officers...there used to be a program GREAT.)

In the short-term, I stand ready to commit resources for overtime immediately to get more police officers on the streets and in specialty units like the drug unit for the balance of the summer and into the fall. (I don't know the last time the drug unit had

full staffing. The drug issue is the force of many of our problems.) When the City was successful in the past in addressing some of these issues, we received great support from the NH State Police, Hillsborough County Sheriff's Department and the many federal law enforcement agencies. We should not be afraid to ask for help again."

Alderman O'Neil stated I know there's been on-going coordination with some activity but it hasn't been at that level that happened in the early 90's when we took back the streets and it was a joint effort. It wasn't done solely by the Police Department...they had some great assistance and I hope we reach out and see what those agencies can do for us. So, thank you your Honor for letting me read that into the record.

Alderman DeVries stated I too applaud Alderman Lopez for his efforts in bringing this the Board. It's a very really helpful project and works very much in line with your Compstat proposal, which would maximize efficiencies for the Police Department programs for our City. I think anytime that we can utilize reserve officers to help in the processing of the paperwork for booking of prisoners or however they might be useful internally to return to the streets patrol officers and I hope that that part of the program does not falter because the more officers we have on our streets the better we will be served so that we can fast track this program so that we can identify some retirees that are willing to come back and serve within the reserve unit. I understand that their numbers are faltering and hopefully that will change. I know others want to speak but I wanted to make sure, your Honor, that you did...I think I heard a motion coming from Alderman Lopez that he wanted to refer this to the meeting next week.

Alderman Lopez interjected approve the concept and refer it to the special meeting.

Alderman DeVries duly seconded the motion.

Alderman Duval stated as a newcomer to this Board I just want to applaud your comments. Inasmuch as applauding the efforts of the Chairman of the Board I think it's refreshing to hear that message. I think it's important for the rest of us to witness that and I really applaud that. I think it's commendable and certainly efforts that I know the Board has put in to put this together and bring this to the forefront especially at this time has been commendable. As far as I'm concerned as with most issues if not all of the issues that we deal with at this level...partisan politics has no place...certainly with regard to this issue it has no place and it doesn't matter whether we're democrat or republican it shouldn't come into play. I've had two ward meetings in Ward 4 in the past 30 days and the residents of certain parts of Ward 4 are just plagued with inner-city problems. Officer Langton of the Manchester Police Department has been most helpful in working with me to address serious issues of prostitution and drugs and illegal activity just unseemly and it's really, really unfortunate and so we all have to work together to do whatever it is we can to address these issues in a timely manner and do so in a very, very non-partisan manner. So, I applaud those efforts.

Alderman Gatsas stated I think if we're going to make a commitment to safety in the City then I'm not opposing we hire three officers and if we need 20 more so that the visual effect of people on the street are there and if that's what we need to protect the citizens of this City then that is what we should do. If somebody's going to tell me that hiring four more reserve officers is going to protect this City then I challenge them because I think we need to put...the City is in dire need of more officers...we heard from the Chief who said that his complement would be at full complement in two months. Now, he's got some more retirees and he can't get the full complement. I don't think those reserve officers are going to help him with his complement. If the complement is to hire 20 officers to protect the citizens of this City then that's what we should do because people will tell you when they see police officers on the street that's what prevents crime not somebody booking somebody at the police station. So, if we're truly looking to protect the people of this City then that should be part of the proposal we talk about next week.

Mayor Guinta stated first of all we have four reserve officers now...the proposal is to increase that number to 20 for several purposes. Number one, do some of the responsibilities of the Police Department that would allow the route officers to get back on their routes 100% of the time. So, that in and of itself would have the affect of adding police officers on the streets. But, beyond that I think there is a wider approach that we're taking here in agreeing to work through this for the next week and come up with additional proposals beyond this that would complement the reserve officer approach which would include obviously looking at some of the alternatives and options that we have like were employed back in the late 90's...mid to late 90's. That is something that I've talked to the Chief, the Deputy Chief about this week, this morning, yesterday and last week as well but we need a little time to formulate exactly what the plan would be and what the financial impacts are. The financial impacts are obviously important as we make a decision but rest assured financial impacts are not going to impede our ability to protect the people in the City. So, I think we need a week to put together a very comprehensive plan...this is step one...the proposal that's been put forward and I think if we can compliment this with some additional resources and additional ideas we'll have a full and complete proposal to review and vote on seven days from today.

Alderman Gatsas asked are they going to be bringing to us what those four reserve officers are doing now and what the assistance is to get those police officers back on the street? There would be a very comprehensive identification of that?

Mayor Guinta replied absolutely. I'm going to be meeting with the Chairman of the Board, with the Police Department, with the Patrolmen's Association and any other Alderman that wants to participate so long as we don't have quorum outside of a public meeting you're certainly more than welcome to participate between now and Tuesday and the focus again is not just to have a comprehensive status update from the department as to the particular incidents that have happened that have been grabbing media attention but also what we've

done in the last six months to change the tactical approach in the City. There's a lot that we've done that we can talk about in public that this Board probably needs to be aware of and there's also some more things, more resources and more ideas that we have that we can employ but they're going to take the next seven days to finalize it, come to this Board as full recommendations and my hope is that this Board will be unified and work what the final approach will be. But, this certainly is the first step I think of combating what I think will need to be addressed over the next six weeks.

Alderman Shea stated I too have had a ward meeting concerning problems in Ward 7 but what Alderman O'Neil was referring to was the fact that we're placing a great deal of emphasis on the Police Department. But, a community is not just the police department. We have other issues in our community. Jane Beaulieu spoke this evening as well as Mr. Goldman about absentee property owners. Unless we get a handle on that problem we will be sending policemen to different places and not being able to really identify how we can solve this problem and problems don't just exist with the police there are health problems, there are problems relating to different types of...places in the community where people don't maintain their property, they're a breeding place for different types of problems exist there simply because of the structure. So, when we say that we need more police officers that's one part of the problem. But, all City issues are interrelated, they are closely bound together and unless the Building Department, the Planning Board and the other departments of the City don't play a role in all of this we're saying to the police you carry the burden. But, the Police Department is one department out of 22 in this City and we have to get a better handle on how our neighborhoods are constructed. In other words, what I brought out was there are certain parts of the City of Manchester that the crime rate has very little effect, they might have a slight effect...there are other parts of the community where you have the major problems whether it be on the west side of Manchester, whether it be on Wilson Street, whether it be in a different area that Alderman Duval explained on Amherst Street, on Concord Street, on Lowell Street...these are the areas of the City where the concentration of crime is more serious. You may have a burglary up on Elm Street, the northern part but you may have a shooting on the southern part of Elm Street. So, we have to concentrate on why we have the problems in different areas...what constitute these problems. Not just treating the effects of these but what are the causes and until we find out what the causes are we can do all kinds of different types of programs but they're not going to have the same effect that they should have. So, my suggestion is we try to analyze what are the causes, what are the real reasons why crimes are being perpetrated in certain areas of this City and then attack them from the Police Department, the Planning Department, the Health Department and other departments...that's what my concern is.

Alderman Roy stated somewhere around 9 to 12 months ago I had a debate or a discussion with the Deputy Chief regarding the broken window theory and what it does to communities and their tax base. It's nice that we're all speaking the same language now but as Alderman Shea just mentioned unless we get everyone on board we can sit here and talk about

manpower, we can talk about the DARE Program, we can talk about zoning and absentee landlords...until we treat this like a community problem...we have drugs, we have gangs in the City, we have crime in this City and until we address it head on with a full plan that may take more than a week to get to but every little step does help and that's why I'm very happy that Alderman Lopez brought this forward tonight and even though we're referring this to the meeting next week I would ask that we immediately change the number from 6 reserve officers to 20...take that action tonight and then we'll deal with how we pay for it, what the responsibilities are and that as part of the plan. But, let's take the first step...change the 6 to a 20 in our ordinance tonight without referral to committee, let's go ahead and actively look at recruiting more police officers with maybe some more diverse backgrounds and getting the School Department and the other departments involved in this meeting next week so that we can address the problem when it affects our young and have an early intervention instead of incarceration later. So, I would ask my colleagues to maybe amend their motion to change the 6 to a 20 this evening and refer the rest of the proposal to next week's meeting.

Mayor Guinta stated I appreciate the interest in doing this immediately. I have talked with the Chairman of the Board and I do think it makes sense because there are some things to iron out and come up with a comprehensive plan. in the additional seven days my hope is that this Board allows the agencies not just the Police Department in Manchester but the other agencies that we're going to be bringing in to work with us on this and again come back with a full proposal seven days from now. We have addressed some of the particular issues in some of the wards in terms of additional officers, additional resources that has already started. So, that's the direction I think we should move in is to do this properly. There's accreditation issues that we still have to go over, there are the financial issues that we have to go over. In deference to the Chief and the Patrolman's Association we need to make sure that we iron out the proposal and have a final agreement in writing that also passes the approval of the existing contracts that we have and I certainly applaud Alderman Lopez and I also talked with the Patrolman's Association today who in concept agree with us but we're got to nail this down, put it on paper so we don't get ourselves into any problems or concerns particularly on the labor side.

Alderman Lopez stated I think in approving the concept we go to 20 police officers is what I'm saying really because I don't know what needs to be approved. We already have something that's there and I'll make sure that every Alderman gets it. We have a reserve officer policy for the Police Department. Everything that I'm doing is in that policy basically in them doing subpoenas, bookings, crime scenes...get those officers back on the street. I do agree that if we were to use reserve officers for PCO's would have to be agreed to by the union and I understand what you're saying but the concept of getting a force...we have a 215 man force to get enough reserve officers I think the Chief came here during the budget process and back to Alderman Gatsas' remarks I think the number 235 sticks in my mind somehow from 215 to 235 that he would like and you're talking about 20 other police officers on duty...that's not the issue. The issues that the officers have is the work and the

paperwork that they must do and to have somebody...if there's a crime scene...an officer or two officers have to be there to protect that crime scene...they had to drive off the streets from someplace and you could utilize a reserve officer for that...that's what we're talking about. We've got to get the officer back on the streets. So, when I say the concept to move forward to the special meeting I do agree with Alderman Roy. I'm speaking of moving forward with a 20-man force for the Manchester Police Department in reserves.

Mayor Guinta stated I have no problem in approving the concept and referring it to Tuesday but we've got to iron out a more legal form of it. If you want to have a conceptual vote that's fine...all I'm saying is we need the seven days to really formulate this and make sure that we address all of the more critical issues that you and I talked about earlier today. I think that we all agree that increasing the reserve officers makes sense. I know that the department approves of it. I've talked to Todd Boucher who approves it and again conceptually I agree with it, we all agree with it...fine. But, we've got to still hash out a lot of the details.

Alderman Pinard stated I was just going to offer that I would withdraw my second and approve the 20 conceptual reserve officers.

Mayor Guinta stated so noted.

Alderman Pinard stated just a reminder that back in the late 80's and early 90's when you had a Neighborhood Watch that was fully supporting and those were the times that we had shootings up on Spruce Street. Basically, it's about the same things that's happening now. I think as I hear all the Aldermen talk...I think this would be a time to probably...and I did coordinate some of the Neighborhood Watches in those days...it might be the time to get some civilians to come into their wards...each Alderman should take a roll in this...get the Neighborhood Watch working with the new officer's that's coming on board...the old saying that the eyes and the ears of the public is what solves many crimes. We have CrimeLine...they can all be united together and I know it would work. The Neighborhood Watch at the time had federal funding, had available radio communication with the police department, there was quite a network set up. It worked with Dick O'Leary and I saw it myself in those days how the people in the Spruce Street area had a complete network with radios and helped the police department to solve some of the crimes. So, keep that in mind for next Tuesday's meeting because I think it's worthwhile, I think it's the time that the 12 wards coordinated the Neighborhood Watch...we need it.

Alderman Forest stated I think most of the information and most of the concerns have been addressed tonight and I think we should be getting all of that information for Tuesday. The only thing I'd like to say to my fellow Aldermen is that starting in the early 40's till maybe the 80's we had a program in Manchester called the Auxiliary Police at no cost to the City. In those days they had to buy their own uniforms, they volunteered. Then in the early 80's

they started a reserve force and it was eliminated, I believe, after four or five years and I think it had to do with accreditation and then I believe Chief Driscoll started the reserve force that is there now to relieve the officer on the route from subpoenas and paperwork and the jobs that the average officer wouldn't do...at least get them back on the street. The program is working, we have the concept with the four officers we have now. I believe a couple of officers have resigned already...I think we started with six but the program works. It's just that they're short-handed and they can't do the work that they were supposed to do to start and I think this 20-man force would work. So, I'm asking we move the question and that we get all our answers Tuesday night and we have all night to debate it...we've tied up an hour now for something that we're going to do Tuesday.

Mayor Guinta stated I'm going to recognize Alderman Long because he waited patiently and then we'll take a vote.

Alderman Long stated it's clear to me today that the Board of Mayor and Aldermen is unified in solving this problem. I also compliment the union and the administration for also working together. I need to reiterate what Alderman Pinard already mentioned is the Neighborhood Watches...this week's going to be information gathering...Alderman Shea is exactly right that there's more to just putting police on the streets. I foresee this week as information gathering and I would ask the citizens to also see if they could form their Neighborhood Watches...that is also key to solving this problem quickly.

Alderman DeVries stated as we're gathering information over the next week I have a growing concern that I hear from constituents, from people throughout the City that they are having...that they're losing faith in the system because our Police Department has been overwhelmed. They do have to prioritize their calls. Frequently, they're not responding to lower priority items. They do not feel they, the citizens, do not feel they are being dealt with appropriately through the dispatch because they are very bluntly told that which they are reporting isn't a serious enough issue to be responsive to. This does not help us when we are trying to engage our community to become part of the effort, the combined effort that we will need to overcome some of the crime issues and I hope as we go forward through the next week if we come up with any solutions to how we can better engage some of the lower priority community complaints so that the broken window effect doesn't continue to escalate into the higher level crime of the neighborhoods. I would appreciate that, your Honor.

Alderman Shea stated just a final comment. When Alderman Forest brought up Auxiliary Policemen it brought back memories of my dad who was an Auxiliary Policeman...he used to go to the corner of Bridge and Elm to direct traffic in the 40's...thank you for bringing it up, I thought of my dad.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Mayor Guinta stated if the Clerk could distribute this letter regarding Seal Tanning, Granite Street and Phillippe Cote Way...I received correspondence from Brady/Sullivan Properties either Friday or Monday. It was a request from David Brady on behalf of Brady/Sullivan Properties requesting that the above-referenced parcels currently owned by the City of Manchester be placed out for competitive sealed bid. Having conferred with staff this morning about this matter it is my recommendation that the Board refer this to the Committee on Lands and Buildings for its thoughtful consideration and I am asking staff to concurrently prepare recommendations for the Committee...did notify...I attempted to notify Alderman Thibault that I'd like to get this with as expeditiously as possible.

Alderman Lopez asked I was just wondering if the Board wanted to take action and move on it because it's been around and I know Alderman Gatsas brought it up quite a few times. If we want to do it I think we should go ahead and do it. I don't know it's up to the Committee members of Lands and Buildings.

Mayor Guinta stated I think to be fair to the on-going negotiations that we still are in...it's been almost a year. I would like to see Lands and Buildings give the recommendation. I think at this point we're moving toward a direction of whether it's competitive bid or an RFP...an RFP gives us a little more flexibility...I'd like those issues to be hashed out in committee and I would ask that that committee meet as soon as humanly possibly to get us a recommendation.

Alderman Lopez moved to refer the communications relative to Seal Tanning, Granite Street and Phillippe Cote Way to the Committee on Lands and Buildings. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicated. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Poll Conducted

- A. On July 20 & 21, 2006 clarifying vote taken on July 11, 2006 referring the rezoning of Diocese property behind Gold Street to a public hearing on Monday, August 7, 2006 at 6 PM.
(Unanimous vote with the exception of Alderman Gatsas who abstained.)

Approve under supervision of the Department of Highways subject to the availability of funding

- B. Sidewalk Petitions – 50/50 Program FY2007.

Approve under supervision of the Department of Highways

- C. PSNH Petition #11-1116 located on Carl Drive.

Informational – to be Received and Filed

- E. Communication from the State of NH, Office of Energy and Planning relative to federal disaster assistance and flood insurance.
- F. Communication from Catherine Yeager relative to 18-Plus Clubs.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- G. Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the 2007 CIP 511307, JFK Coliseum Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Dollars (\$4,000,000) for the 2007 CIP 712407, Cohas Phase 2 – Contract 2 Project.”

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- H. Recommending that Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”

“Amending 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

ought to pass.
(Unanimous vote)

- I. Recommending that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

ought to pass as amended.
(Unanimous vote)

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O’NEIL
DULY SECONDED BY ALDERMAN DEVRIES, IT WAS VOTED THAT THE
CONSENT AGENDA BE APPROVED.**

- D. Communication from Superintendent Ludwell providing an update on major decisions and projects for the School District.

Alderman Shea stated I do want to commend the Superintendent for providing us with a list of different types of activities that are being proposed and also that they're working on. I think that it does indicate that the School Department is moving in a direction that I think is somewhat helpful and there are a few other things there that I would have preferred to see as a former School Principal but nevertheless some of the items here listed certainly indicate that the School Board and School Administration are certainly moving when they start adopting a math curriculum and a language curriculum and other types of lining up the math program in the high schools as well as certainly the social studies in the high schools and increasing the number of credits for graduation among other things. But, I do want to commend that and move to receive and file the communication.

Alderman Forest duly seconded the motion.

Alderman Roy stated I don't mean to belabor this one item but part of that update is the MST expansion grant for \$7.5 million and there's a little bit of additional money. So, I would like if the Solicitor could just bring to our next meeting a ruling on why that is not being overseen by the Joint School Buildings Committee.

Mayor Guinta stated so noted.

Alderman Lopez asked may I answer that. Thank you very much. Alderman Roy, I posed that question to City Counsel and Tom Arnold is working with Dean Eggert and Tom Clark and I don't think they've received answers so maybe he might want to comment on it.

City Solicitor Clark stated I spoke to Dean Eggert yesterday and asked him about it. He wasn't aware of it but was going to check into it and get back to us. He didn't get back to me yet today. We also attempted to reach Mike Ludwell this afternoon but we were unable to. But, we will report back to the Board.

Mayor Guinta called for a vote on the motion to receive and file. There being none opposed, the motion carried.

Report of the Committee on Community Improvement

- J.** Recommending that the Black Brook Dam (a.k.a. Maxwell Pond Dam) be removed. The Committee advises that it has requested staff to pursue State, In-Kind services, and other funding sources to meet the estimated cost of \$115,000 for removal.

(Aldermen Garrity, Osborne, Gatsas and Duval voted yea; Alderman O'Neil was absent.)

Alderman Lopez stated as the Committee has voted to tear down the dam when the vote comes up I'm asking that it stay in place and be repaired. It's the last one of many...a great recreational area and tearing it down and repairing it is about the same cost. In the future,

recreational land or dams like that could be cleaned out and go back to a swimming area and I visualize that in the future it could be just like Crystal Lake to a degree. I think that once it's torn down there will be many people looking to put condominiums over there and asking the City to sell it. So, when the vote does come up I'm voting to keep it.

Alderman Forest stated I sort of agree with Alderman Lopez about leaving the dam there and repairing it. I know there's a cost of \$115,000 to remove it and there's probably a higher cost to repair it and maintain. But, it has been a tradition there since the early 1900's. The abutters and constituents in the area would like to see it repaired. It is a landmark on the west side...everybody knows where Maxwell Pond is and where the dam is and everything else. Again, I would like to see the dam stay where it is. Thank you.

Alderman DeVries stated in the past when we discussed this I don't recall the two figures being that close. I do recollect that for us to reclaim the property and remove the sediment that has built up was about a million dollar cost estimate that was given. But, it's not apples-to-apples...for us to make anything of that property is well over a million-dollar City investment. What I do remember also is that it's very much a stream bed that has found its way because of all of the sediment that has built up in that area so it's nothing like a pond today but surrounding that is still some wetlands that have been there for years. My understanding is that wetlands would prevent any development happening because it would require mitigation and extensive permitting through DES and state agencies so I don't think that this is in danger of being developed into condominiums but I am hoping that it is going to make for a nature trail and park and improvements for the City...be nice open space for the City.

Alderman Duval stated I have fond memories of growing up at Maxwell Pond right up on Omega Street off Goffstown Road...the dead end street abutted the pond, a sanctuary. I came into the committee meeting that discussed...I heard about this issue the first time just a couple of weeks ago and I was inclined to support saving the damn structure. But, after hearing input and speaking with a number of people from the different groups including environmentalists I think at this time it makes a lot of sense...not only financially but environmentally to remove the dam and it's not serving the purpose that it once had. I think that's probably enough said right there and I don't see any harm in removing the dam and returning Black Brook to what it was originally and naturally going to be...just a babbling brook emptying out into the Merrimack River. The property down there certainly could be enhanced, certainly plenty of time to discuss that...the neighborhood down there I am sure could use perhaps a park in that area and maybe that could be talked about in the future with regard to CIP funding and a collaboration of neighbors doing what they did at Stark Park. So we should do what we can as a body to promote that.

Mayor Guinta asked is that in the form of a motion?

Alderman Duval replied yes. Alderman Osborne duly seconded the motion.

Alderman Forest requested a roll call vote. Aldermen Forest, Long and Lopez voted nay.

Aldermen Roy, Gatsas, Duval, Osborne, Pinard, O'Neil, Shea and DeVries voted yea.

Aldermen Garrity, Smith and Thibault were absent. The motion carried.

Report of the Committee on Joint School Buildings

- K.** Advising that it has accepted the monthly report for June/July 2006 as submitted by DMJM, and is forwarding same to the Board for informational purposes.
(School Committee Members Beaudry and Gelinas and Aldermen Roy, Thibault and Forest voted yea; School Committee Member Herbert was absent.)

Alderman Gatsas stated I guess I have some questions on some of these change orders...I guess I'll go directly to one in the middle of the K's...I look and it says an additional health office door/Central High School (\$2,800). There is no page number...it's Change Order #24...page 16 from the K's. I look at the next one and it says replace three hollow metal door frames in the Industrial Arts Building/Central High School at \$4,600...provide a new sink in the health office/Central High School (\$2,800). I'm looking at these and I'm questioning whether the...and I'm sure they're looking at them but how do you spend \$2,800 for a sink? I'm looking at these numbers and I don't know how they possibly make sense. Is there a committee that approves these...the Joint Buildings and Sites Committee...don't they approve these change orders?

Mayor Guinta stated I believe the threshold if my memory serves...is it \$25,000, Alderman Roy? So, anything under that does not require committee approval but just certification.

Alderman Gatsas stated well somebody asking for somebody to come in and question how a sink costs \$2,800.

Alderman Roy stated I cannot comment directly on the sink but I believe there was plumbing that needed to be run to it as well as the drainage that needed to be taken from it. If you'd like any of these to be identified by Tim Clougherty of Facilities Division he does come in and justify at our committee meetings every expense above and below \$25,000. I do know the additional health office door...the \$2,800 door involved quite a bit of concrete cutting and installation but he does justify every dime to us.

Mayor Guinta asked can we maybe on the change request description get a little more information just so that when this Board sees it because it's very deceiving, it does sound like a sink costs \$2,800. So, maybe if that could be addressed through the Committee.

Alderman Lopez stated I'd just like to have some type of clarification here and I'm not questioning the Alderman questioning numbers or Tim coming in and explaining that number to the Aldermen. We have the joint committee and the way I understand the joint

committee and I'm going to ask the City Solicitor to review my remarks and add to them...they're under State Statute and we appoint three individuals and the School Board appoints three individuals to look at this project under the Charter that we have and they set up the \$25,000...I remember when Tim came and said that's practical and the committee recommended that. I think if there's some discrepancies then that should go back to the committee. But, I'm just a little confused and want to make sure...I've already had one individual resign from the Joint Committee...they do good work but we need to find out what parameters we're speaking of even if we say we don't like what they did, they've done it and the bill has been paid. I'd like to get some counsel on this because every meeting we go to we seem to get involved in the Joint Committee here and we can't continue like this.

Alderman Gatsas stated I guess my purpose of asking the question is right now we're in litigation. In that litigation about change orders and somebody needs to explain to this Board because if there's a ten million dollar lawsuit which I've been asking, I think, last month your Honor somebody was supposed to come before the full Board to give us a total understanding of where we're at. Now, I don't know whether the ten million lawsuit justifiable but I guess I've got to wait until Mr. Yates writes his articles before I can read about them. So, I think that it's important that we, as a Board...somebody needs to tell us because all I know is there's not enough money in that contingency to take care of a ten million dollar lawsuit. So, if we're found guilty or wrong then some of these changes orders that a committee may be meeting on there needs to be some justification to this Board.

Alderman Lopez stated I'm not questioning that but I think we don't have to wait. If we question a particular item let Frank Thomas go back and get that answer and send it out in 24 hours I'm sure they can do that. But, I just want a little clarification because I know the State Statute and the Charter that we have...if counsel can guide us so that we don't have the dilemma going back-and-forth because it's just information from what I understand. They've already taken action and they have that authority.

Mayor Guinta stated the point is well made because if you look...the change order itself and you look at the bottom where it says the original guaranteed maximum price was \$94.9 million and then it says the new guaranteed maximum price including this change order with be \$97 million. So, individually I think...look at this things individually...they're small numbers but over time they add up to right now an additional...a little over \$2 million. And, I understand your point which is should we be hashing this out here if we have a Joint Committee for a reason. But, when it does come to this full Board I think we have some sort of...we should get further explanation as to why a GPM changes by over \$2 million. So, there's got to be some middle ground we can find here to satisfy the members of this Board who have put their trust and their faith in the Joint School Committee but again when it comes back to this Board and you see more than a \$2 million change in what is called a guaranteed maximum price you wonder what the words guaranteed maximum price actually means.

City Solicitor Clark stated Alderman Lopez is basically correct. By State Statute all school construction, administration of the funds has to be done by the Joint School Buildings Committee. It's three members of each Board and have complete jurisdiction over it similar to the way other large projects were built in Manchester they set a threshold for what staff would change, what they would want to address and I know that Mr. Clougherty does appear before the Joint School Buildings Committee at every meeting and goes through each of the change orders. Also, by Statute, the Joint School Buildings Committee must issue reports to this Board and that's what this is. This is a report of what they've done. I can understand where this Board would want or feels it would want some more explanation and I believe that can be accomplished.

Alderman Gatsas stated Tom if there's a \$10 million lawsuit...let's hypothetically say that the lawsuit is upheld...who's responsible for the \$10 million...the Joint School Buildings Committee or this Board or the School District?

City Solicitor Clark replied eventually it's going to be the City of Manchester if it's upheld. At this point, I don't want to speculate, I don't want to give a hypothetical answer to things I don't believe are going to happen. We've met in non-public session with this Board, Mr. Clougherty, Mr. Thomas and myself. We went through the Gilbane claim in detail and we advised the Board of what was going on. When the suit was filed each member of this Board received a copy of that suit and I didn't receive a call from any member of this Board with questions. At the last meeting when this subject came up the Mayor asked Board members if you had questions please contact the City Solicitor's office.

Alderman Gatsas stated I think it was clear that the motion that I made, your Honor, you agreed that this Board would be informed by them. I think I made my questions pretty clear in public session. We need to just communicate by letter around here, if that's the way we need to do things I don't have a problem doing that. We can do it and we can just do it at the last minute and communicate by letter but I would think that this Board...one, should have some idea of whether the suit has merit or whether it doesn't because we may spend a million dollars on legal fees and maybe settle the case for five hundred and somebody needs to make this Board aware of what the responsibilities are. So, I think it was pretty clear and if the Clerk didn't make my feelings known to the Solicitor then I guess my question is his assistant was here, he understood what my questions were and if he didn't relay them to the City Solicitor then maybe the City Solicitor needs to be at every meeting because it's very clear what I asked for...I asked for the 33B ruling and whether funds could be moved from a project...that was a question that I asked and I asked the next question of what the responsibility of this Board was if the lawsuit was successful. So, I made those clear. Now, if I need to call again after that then we all need to hire secretaries to accommodate those. But, I apologize to the City Solicitor but your assistant was here and I made my comments very clear of what I was looking at.

City Solicitor Clark stated a letter has gone out to this Board addressing the questions that were raised that night and in addition Bond Counsel has addressed the question of whether or not the funds can be used. Bond Counsel advises that they can.

Alderman Gatsas asked your Honor are we going to cross that threshold now too because I have some disagreement?

Mayor Guinta replied let me go to Alderman Roy first.

Alderman Roy stated there are two totally and absolutely separate issues being discussed right now. One is Item K on our Consent Agenda, which is the report from the Joint School Buildings Committee...I would invite any Alderman to go ahead and come to the Joint School Buildings. This agenda does go out, I believe...the Clerk can correct me if I'm wrong...to every member showing the financial statements and all the change orders and any actions taken prior to our meeting so that anyone is welcome to come to those meetings. We can also as a Board request Tim Clougherty to come to these meetings as head of Building Maintenance and address any questions that come up. If people do not want to come to those meetings I'm sure Tim would come on just a phone call's notice and to answer any of the questions on individual change orders. That being said in my opinion addresses the separate issue which is the report from Joint School Buildings...the totally and absolutely different argument is the lawsuit filed by Gilbane and as a member of the Joint School Buildings that's how I'm looking at my responsibility to providing a function on the Joint School Buildings Committee and overseeing...partially as one of those responsibilities...the contingency balance...I'm looking at that as a separate outright responsibility. The \$10 million lawsuit by Gilbane whether it has merit or no merit which I strongly believe is a separate issue. But, maintaining a project that's gone on now for the better part of \$96 million is my responsibility as a member of the Joint School Buildings Committee and providing adequate doors and adequate sinks and paying for those with the least amount of money is a responsibility that I and I know all members of this Committee take seriously. So, they are two separate subjects, they should be handled in two separate forms and if the Solicitor would like to have a meeting on the lawsuit I would be fine with that. But, if we need to have someone here answering every \$2,400 expenditure then please request that of the Committee and we will do so.

Mayor Guinta asked has your question, Alderman, been answered?

Alderman Gatsas replied I think it got answered to a point because we've gone...the contingency I understand and I don't have a problem it's just that those numbers under \$25,000 start to mount up and we're somewhere around \$2 million.

Mayor Guinta stated a little over two...\$2.1 million.

Alderman Gatsas stated when you look at it I understand where Gilbane's coming from because anything that's under the guaranteed price they split with the City. So, they've got something to gain in it and I guess I look at the thing and say I'm looking at documents here and I understand we got a letter from Bond Counsel...they sent a resolution...that resolution as far as I'm concerned and maybe somebody can give me a different opinion which I'm sure I'm going to get because if the resolution is contradictory to what the document is that went out.

Mayor Guinta stated the bond resolution that was voted on by the Board.

Alderman Gatsas stated that was voted on by the Board...it says that particularly that you and the Finance Officer are responsible for it...not the Joint Buildings.

Mayor Guinta stated responsible for the bond.

Mr. Kevin Clougherty, Finance Officer, stated for the issuance of the bond.

Alderman Gatsas stated let me see if I can find that...and I'm sure that the issuance of the bonds is something different and project costs can be something different because it says here project costs means any and all costs of a project to be financed with the proceeds of bonds pursuant to a supplement. Now, I don't think that a lawsuit and paying legal fees is part of the project costs. Now, it is when you're doing the bond on the front end and in the audited statement that we get project means the making of substantial renovations and additions to certain school facilities operated by the District located in the City which shall involve any or all of the following: limited costs connected to the project including but not limited to feasibility studies, architectural, engineering, surveying, soil testing, similar incidental costs...then it goes on...any remediation of environmental conditions of the facilities of the District that are part of the project see instruction renovation and equipment of facilities for the District and (d) the payment of certain cost issuance of Series 2003 bonds. I don't know where any of that says that you can take those proceeds and use them for legal expenses.

Mayor Guinta stated so you're saying that we can use it for settlement purposes but not for legal expenses.

Alderman Gatsas stated I would think that the process if those incurred costs that Gilbane are talking about are part of the building costs I would say yes. But, I don't think that Building and Sites can take funds from there and apply them to legal costs.

Mayor Guinta stated we have a recommendation from the City Solicitor and we have a recommendation from Bond Counsel so at this point both of those recommendations say that the bond can be utilized for those purposes. So, we have a disagreement from you at this point.

Alderman Gatsas stated no the difference is that Ropes and Gray was the Bond Counsel that issued this document...there's a different Bond Counsel...so, I guess my question is who's at risk if they're wrong?

Mayor Guinta asked would you like Ropes and Gray to give us an opinion?

Alderman Gatsas replied it would cost us money I would assume. Kevin, is it going to cost us money?

Mr. Clougherty replied it shouldn't because they're just going to send the same letter that Hawkins did, they agree with them.

Alderman Gatsas stated so what they're saying is...who's at risk if they're wrong? Who's "NO" statement is on the board if they're wrong with their opinion that legal costs can't be paid out of here because obviously Gilbane has some interest that residual amount.

Mr. Clougherty replied again I am not going to speculate on that but I would say that...are you suggesting that they would be viable from the total bond issue or are you just saying for the extent of the legal services?

Alderman Gatsas stated I'm saying that somebody has given us a legal opinion...that legal opinion has errors and omissions attached to it because they're our Bond Counsel and if they're wrong because any funds that's in that reserve account partly belongs to you because it's a guaranteed number.

Mr. Clougherty stated I think you're going down a path that's circuitous...let's back up a little. This Board is the appropriating body. This body adopted a bond resolution that said that authorized a capital improvements project and laid out the general terms...that's what Bond Counsel (Ropes and Gray and Hawkins) are citing...that's the appropriation and it says that it can be used for things that are incidental to this project...that being said, this is not the first capital improvement project in the western world there has been a lawsuit. There's been a history over time of lawsuits by contractors with respect to bond projects...

Alderman Gatsas interjected Kevin the only thing I'm concerned with is who's going to be at risk?

Mr. Clougherty stated let me finish, Alderman.

Alderman Gatsas stated is the School District at risk or is the City? So, if you want to talk about realities I understand that there are other lawsuits in this western world...

Mr. Clougherty reiterated let me finish, Alderman.

Alderman Gatsas stated so if you want to be condescending do it on your own time.

Mr. Clougherty stated I'm not trying to be condescending, Alderman, I'm trying to explain that there is a history upon which this legal opinion is based. This isn't something that they drafted or came up with just for this particular issuance and most of our documents whether they are bond resolutions and associated issuance of documents which you're citing from are all based on a history and an industry that's pretty well regulated. Now, when we put out the bond documents that you're citing your quotes from those are all incidental to the appropriating resolution. You cannot have a definition of the project that includes every possible conceivable circumstance...that would take us a stack of paper the size of this room. So, what has been done by the industry is to put forward language and definitions that refer to different pieces. So, if you just take that one section that you want to refer to in that document that's what it says...you're exactly right. But, you have to read through the whole document. I'm not an expert on statutory construction but I do know that you can't just take one paragraph out of a document and say that's the purpose. You have to look at it in the context of not just that document...all the document and all of those documents refer to actions by this Board.

Alderman Gatsas stated I guess my simple question for legal counsel. If the bond holders call the bonds because of what we've done and want to know who is going to be responsible...

Mayor Guinta interjected excuse me what do you mean because of what we've done?

Alderman Gatsas replied because we've taken legal fees out of the reserve account/contingency. My question is if the bond holders don't think that you can do that...want to know who is going to be responsible for giving us the opinion we get.

Mr. Clougherty stated if I understand your question you're saying bondholders would be upset that we used money for legal fees...I guess they would be liable to the extent that we use legal fees. So, whatever the cost of legal fees is that is what they'd be liable for.

Alderman Gatsas stated I'm asking the question I don't know.

Mr. Clougherty stated I'm trying to understand what the question is.

Alderman Gatsas stated my question is if we spend a million dollars in legal fees I don't know what the number is...but, whatever amount we spend in legal fees somebody gave us an opinion letter...our legal counsel...I'm saying that if the bond holders say that those funds can't be allocated for that use because I assume you've got to report to them what you're doing with them.

Mr. Clougherty stated right.

Alderman Gatsas stated and they say no we don't accept that...who's going to be responsible...who's dime is the insurance riding on?

Mr. Clougherty replied I would say it's the Bond Counsel.

Alderman Gatsas stated will you get a letter from them that represents that.

City Solicitor Clark stated it's not quite as simple as that...bond holders can't just say we don't like the way you're using the money. They would have to file a lawsuit...they can't just call your bond.

Alderman Gatsas stated just mark the date down that's all.

Mr. Clougherty stated I understand your concern, Alderman, but the point I want to make is that Hawkins-Delafield is probably the oldest and one of the most respected bond firms and tax laws in this country.

Alderman Gatsas interjected I know them well.

Mr. Clougherty stated and Bob Beinfeld in particular who is our Bond Counsel has a great reputation and he has reviewed these documents and in his opinion that this is a reasonable use of the bond proceeds and that's based not only what is written in the letter of the document but also the general practice of the industry for the application of the bond...bond proceeds generally.

Alderman Forest moved to accept, receive and adopt the report of the Committee on Joint School Buildings. Alderman Roy duly seconded the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

TABLED ITEM

- 29.** Report of the Committee on Joint School Buildings advising that it has authorized processing of legal expense payments from the School Facilities Improvement Project Contingency regarding Gilbane.
(School Committee Members Beaudry, Herbert, Gelinas and Alderman Roy abstained; Aldermen Thibault and Forest were absent.)

On motion of Alderman Gatsas, duly seconded by Alderman Roy, it was voted to remove Item 29 from the table for discussion.

Alderman Forest moved to receive and file. Alderman Roy duly seconded the motion.

Alderman Gatsas requested a roll call vote. Aldermen Roy, Long and Pinard voted nay. Aldermen Duval, Osborne, O'Neil, Lopez, Shea, DeVries, Forest and Roy voted yea. Aldermen Garrity, Smith and Thibault were absent. The motion carried.

Alderman Lopez stated I just wish that at future Board meetings if we're going to talk about the lawsuit which we normally don't...during a lawsuit we don't discuss information so I would ask you if you would control that aspect. Thank you.

Mayor Guinta presented the following nominations pursuant to Section 3:14(b) of the City Charter:

A. Joseph Dion to fill a vacancy as an alternate member of the Heritage Commission, term to expire January 1, 2008; and

William Meehan, DMD to succeed Nicholas Skaperdas, DMD as a member of the Board of Health, term to expire July 1, 2009.

Mayor Guinta stated these nominations will lay over to the next meeting of the Board pursuant to Rule 20.

8. Confirmation of the nomination of Gerard L. Thibodeau to succeed Jen Drociak as a member of the Conservation Commission, term to expire August 1, 2009.

On motion of Alderman Forest, duly seconded by Alderman Pinard, it was voted to confirm the nomination of Mr. Thibodeau as presented.

9. Confirmation of the nomination of Kathleen Payne to succeed Dorothy Krasner as a member of the Board of Registrars, term to expire May 1, 2009.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted to confirm the nomination of Ms. Payne as presented.

10. Confirmation of nominations to the Heritage Commission:
Derek M. Dufresne as an alternate, term to expire January 1, 2007; and
Stephanie F. McLaughlin as an alternate, term to expire January 1, 2007.

On motion of Alderman Roy, duly seconded by Alderman O'Neil, it was voted to confirm the nomination of Mr. Dufresne as presented.

11. Confirmation of the nomination of Robert F. Martel as a member of the Planning Board, term to expire May 1, 2009.

On motion of Alderman Duval, duly seconded by Alderman O'Neil, it was voted to confirm the nomination of Mr. Martel as presented.

12. Confirmation of the nomination of Mark Laliberte to succeed Graham J. Chynoweth as a citizen member of the Safety Review Board, term to expire March 15, 2009.

On motion of Alderman Long, duly seconded by Alderman Pinard, it was voted to confirm the nomination of Mr. Laliberte as presented.

- 13.** Confirmation of the nomination of Kristin Schmidt, MPAS to succeed Jazmin Miranda-Smith as a member of the Board of Health, term to expire July 1, 2009.

On motion of Alderman Roy, duly seconded by Alderman Duval, it was voted to confirm the nomination of Ms. Schmidt to the as presented.

- 14.** Confirmation of nominations to the Conduct Board:
Jay M. Cadorette to fill a vacant regular Mayoral appointment, term to expire October 1, 2007;
Dennis Smith to fill a vacant regular Aldermanic appointment, term to expire October 1, 2008; and
Michael P. Craig to replace Dennis Smith as the Aldermanic alternate member, term to expire October 1, 2007.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to confirm the nominations of Mr. Cadorette, Mr. Smith and Mr. Craig to the as presented

- 15.** Confirmation of the nomination of Carol Ann Williams to fill the unexpired term of David Jespersen as a member of the Manchester Transit Authority, term to expire May 2007.

On motion of Alderman Long, duly seconded by Alderman Duval, it was voted to confirm the nomination of Carol Ann Williams as presented.

Alderman Lopez stated I wish to name a replacement as a member of the Committee on Joint School Buildings. An individual has resigned from the Committee and I wish to appoint Alderman Pat Long as a member of the Committee on Joint School Buildings.

Mayor Guinta asked for unanimous consent.

Alderman O'Neil moved for unanimous consent of the appointment of Alderman Long to serve as a member of the Committee on Joint School Buildings. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

A report of the Committee on Community Improvement was presented recommending that the Board authorize acceptance and expenditure of funds in the amount of \$9,375 for the FY2007 CIP 412107 Public Health Preparedness & Bioterrorism Response Program, and for such purpose a resolution and budget authorization have been submitted.

Alderman O’Neil moved to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Nine Thousand Three Hundred Seventy Five Dollars (\$9,375) for FY2007 CIP 412107 Public Health Preparedness & Bioterrorism Response Program.”

Alderman O’Neil moved that the Resolution be referred to the Committee on Finance. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Lopez stated may I ask a question before we go into the Finance Committee meeting.

Mayor Guinta replied yes.

Alderman Lopez stated we’re going to be discussing the Blacksmith Shop...would that have to go to Finance or is that something we can handle without going to Finance, Mr. MacKenzie.

Mr. Robert MacKenzie, Director of Planning, stated it is my understanding that under new business that the Blacksmith Shop was going to come up. I don’t believe there’s any appropriation at this point in dealing with that but merely a policy direction in which way to go.

Alderman Lopez stated thank you, I just wanted to make sure.

On motion of Alderman O’Neil, duly seconded by Alderman Lopez, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

- 18.** A report of the Committee on Finance was presented recommending that Bond Resolutions:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the 2007 CIP 511307, JFK Coliseum Rehabilitation Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Four Million Dollars (\$4,000,000) for the 2007 CIP 712407, Cohas Phase 2 – Contract 2 Project.”

ought to pass and layover; and further that Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Nine Thousand Three Hundred Seventy Five Dollars (\$9,375) for FY2007 CIP 412107 Public Health Preparedness & Bioterrorism Response Program.”

ought to pass and be enrolled.

(Unanimous vote)

Alderman Long moved to accept, receive and adopt the report of the Committee on Finance.

Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

19. State Legislative update presented by Mayor Guinta, if available.

Mayor Guinta advised there was no State Legislative update to present.

Alderman Lopez stated just as clarification...when you send somebody up to the State to testify are you testifying as the Mayor or are you testifying for the Board of Mayor and Aldermen...same thing with the department heads. I thought we had a policy that if department heads were going up to testify that they would let us know...they would be speaking as a department head on certain issues and if it was going to be mentioned that the Board of Mayor and Aldermen support anything or do not support something that we would be informed. Could you clarify that, please?

Mayor Guinta replied I can't speak to the policy that you may be referring to but if I go up and testify I'm testifying as the Mayor of the City unless this Board otherwise directs. Regarding particular department heads I believe we asked them to notify us if they are testifying on just a bill.

Alderman Gatsas asked is there somebody testifying on legislation up there right now?

Alderman Lopez stated I'll defer to Alderman Long.

Alderman Long stated actually there's a procurement study...Kevin Clougherty, Frank Thomas are up there in front of a study committee.

Alderman Lopez stated I know we've had many discussions previously but I thought that every department head...I know the City Clerk has informed us when they're going to go up and talk about City Clerk business and I just wanted to institute that policy that if they're going to go up and speak for the department but if they're speaking as the board of Mayor and Aldermen in support of a particular issue I would like to be informed.

Mayor Guinta stated I don't think any department head speaks on behalf of the Board of Mayor and Aldermen unless the Board of Mayor and Aldermen directs them to do so.

Alderman O'Neil stated I remember when both Alderman Gatsas and I served in the Senate and Aldermen at the same time. I don't want to speak for Alderman Gatsas but I know on occasions I'd be asked why is the City taking this position and I'd have to say I don't know...so we did start to ask the departments that if they were going up to inform us of what they were going up for just so there was some line of communication...not on the merits of each individual issue and certainly if people were going to take a position representing the City of Manchester that can only come, I believe, by the Board. But, to be honest with you some departments were better than others informing us but it's fallen way off the last few years and I don't know if Alderman DeVries in her capacity as a State Representative has found that it's just to improve communication and I know when I served up there I'd be asked why is the City taking this position and I'm saying I don't know we've never had that discussion at the Board level. So, I think on anything going forward it would be helpful if department heads would just...whatever the topic is...to let us know what they're going up for. I remember Water Works was outstanding....Bob Beaurivage was very good at notifying the Board. It's just helpful I think. We may have discussions with members of the Legislature about different things...no such thing as too much knowledge.

Mayor Guinta stated we can probably coordinate that through Craig and Craig can get the Board as necessary the updates as to who's testifying and on what bill.

20. Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”

“Amending 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to dispense with the reading of the Ordinances by titles only.

On motion of Alderman Pinard, duly seconded by Alderman Forest, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Guinta called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”

“Amending 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

were properly enrolled.

Alderman Osborne moved to accept, receive and adopt the report of the Committee on Accounts, Enrollment and Revenue Administration. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

- 24.** Notice for reconsideration given by Alderman Roy on a motion to override the Mayor’s veto relative to the adoption of a “Resolution Adopting the provisions of RSA261:154 Additional Fees for Registration Permits.”
(Motion failed with Aldermen Roy, Duval, Osborne, O’Neil, Lopez, DeVries, Smith, Thibault and Forest voting yea; Aldermen Gatsas, Long, Pinard, Shea and Garrity voted nay.)

Alderman Roy moved to table Item 24 pending further information from other towns and what they’re paying as well as a report of your Efficiency Committee to come up with the additional \$390,000.

Mayor Guinta asked why don’t you just receive and file?

Alderman Roy replied I’d like it kept fresh until we get the reports.

Mayor Guinta stated until you have the votes.

Alderman Roy stated I won’t have the votes.

Alderman Forest duly seconded the motion to table.

Alderman Gatsas requested a roll call vote. Aldermen Gatsas, Long, Duval, Pinard, Shea and DeVries voted nay. Aldermen Osborne, O’Neil, Lopez, Forest and Roy voted yea. Alderman Garrity, Smith and Thibault were absent. The motion failed.

Alderman Gatsas moved to receive and file. Alderman Long duly seconded the motion.

Alderman Osborne stated this could be brought back at the next meeting, right?

Mayor Guinta replied yes you can bring it back.

Alderman Osborne stated I think we should have a full Board vote. Can I just say one thing about it.

Mayor Guinta stated you have the floor, Sir.

Alderman Osborne stated the \$3.00 increase I know a lot of people think it's a bad thing but I thought of this along with Alderman Lopez quite a while ago. I know the first year here of doing this kind of reduces the taxes but in the long run I looked at it as a resurfacing for the streets...a \$3.00 increase I'm sure there's nobody in this City that wouldn't give another \$3.00 to have the street in A-1 condition. Instead of a 50-year turnaround we're talking a 25-year turnaround. So, this is what I was looking forward to with this \$3.00 increase. I don't like taxes either but I'd be willing to give \$3.00 or \$5.00 extra every year on my registration to know that the resurfacing would only take 20 to 25 years rather than 50. So, this is the point I'm trying to run across here.

Alderman Roy stated just so you know...this motion to table is not a stalling measure. I don't believe any votes have changed but the question that is still out there is where do we go ahead and get the \$390,000. I know your office has been working on it, I know a number of the Aldermen have been working on it but between now and the time we file our paperwork with the State in October we have to have a location of that \$390,000 or it will impact the taxpayer and so the motion to table is just to keep this in the forefront, keep it on everyone's minds that we either have the choice of putting in a fee that will impact every car owner or going ahead and putting it on the property tax...it's an either or...the budget's been approved and we need to fill the gap of \$390,000 and we need to find a location to come up with that so this is just a place holder.

Mayor Guinta stated with all due respect the choices shouldn't be raising a tax or a hidden tax...there's a third choice which is saving and I would like this Board to recommit itself to looking for savings between now and the time that the tax rate is set at the DRA...maybe we can all win.

Alderman Osborne stated if we're so in doubt about hidden taxes and such why don't we put this \$3.00 increase in the registrations on a referendum question and let the people of Manchester...I'm just telling you that it's true...if you put this on a referendum question and if you state it right that the \$3.00 increase would be going towards resurfacing their roads I don't think you'd have a problem with it. We're not trying to hide anything here...I'm not to anyway.

Mayor Guinta stated you've been very clear about your position.

Alderman Osborne stated I'm always clear about my positions.

Mayor Guinta stated I believe...

Alderman Osborne stated I have nothing against referendum questions and I never did and never will. Let the people decide.

Alderman Lopez stated a hidden tax has been used so many times, this wasn't hidden...this was during the budget process that we spent many hours here and so to say it's a hidden tax I don't believe so. We voted on the budget, you vetoed it four times and we voted again. Fortunately or unfortunately that's the way it goes when somebody changes their mind and don't have the ten votes I understand that and that's the political aspect of it. But, it still remains...when you say cut spending we can cut spending and all that but that's not going to save anything up at the DRA...that is going to be all done at the end of the year when the Finance Officer balances the books...we save \$500,000 on spending that's what's going to take place...the budgets have been given to the departments so you can say there's no question about it, not filling positions so that's not going to have a bearing going up to DRA from what I understand unless the rules have changed in the last six years...it's revenue that's counted...there's no resolution for the revenue so it can't be counted. There's also another issue out there and Alderman Gatsas brought it to his budget and it's in Traffic for the meters downtown...that revenue we're supposed to get back through the Parking Fund and that's hasn't been addressed and when the Finance goes up there and if doesn't have an ordinance or something in reference to that that's another \$300,000. So, I hope that people understand in building a budget and Alderman Osborne is absolutely correct. He's been fighting for getting more money and paving the streets since I've been an Aldermen and this is one way these funds can be utilized wherever there's meters on the street to pave those particular areas. All of these discussions have been going on and going on. So, for those to say it's a hidden tax it's not a hidden tax and it's been very open and affects everybody.

Mayor Guinta stated it's an open tax and you've got tax hikes and you've got fee hikes and this is an open fee hike.

Alderman Pinard stated my comment is very easy. We're talking money and money and money...the senior citizens of the Queen City once-a-year they get maybe an \$25 or \$30 raise...part of it goes to Medicare and the rest is what they have to live on. I think we could wait another year to bring it up because of a tax hike this year I think we should just lean back a little bit and wait till after the first of the year to start spending more money.

Mayor Guinta called for a vote on the motion to receive and file. The motion carried with Aldermen Roy, Osborne, O'Neil, Lopez and Forest duly recorded in opposition.

- 25.** Communication from Kevin Dillon, Airport Director, requesting advance approval to initiate any necessary negotiations and equipment purchases associated with the development of regularly scheduled bus service between the terminal, the multi-modal transportation facility in Woburn, MA and the Sullivan Square MBTA Station in Boston.

Alderman Pinard moved to approve request relative to scheduled Airport bus service.

Alderman DeVries duly seconded the motion.

Alderman Gatsas stated wasn't the reason for changing the name so people could see this on the Internet and fly into Manchester or are we just providing the service to get to Boston.

Mr. Kevin Dillon, Airport Director, stated that's correct.

Alderman Gatsas asked what is going to be the cost of that?

Mr. Dillon replied right now we're going to undertake it as a pilot program. We've set a preliminary budget of up to \$500,000 for equipment purchases as well as to help defray labor costs...we haven't made any decision yet whether or not we're going to operate on our own or whether we're going to contract with a separate firm. So, it's difficult to tell you the per head cost at this point. But, we would monitor it over a 6-month period and make recommendations about whether or not it's a while worth service, whether it's actually serving the passengers at the airport.

Alderman Gatsas asked what is the charge for somebody...flight option for going to Boston.

Mr. Dillon stated right now depending on the location that you'd leave from in New Hampshire could be as high as \$72. Again, on a service that we serve commuters into Boston they would have to pay full fare we would not be able to subsidize that at the airport because of FAA regulations. But once again what we're trying to do is determine what the market is. Going down to Boston we're sure based on us publicizing the program that we are going get inquiries so we'll get that information as well. One of the things though that we are looking into that you should be aware is we're also looking to potentially make links to the MTA, Concord Trailways...so, this is more about when you're talking about commuter and trying to tie the airport in. This is a good environmental move although it is a small piece it is helpful for projects like the I-93 Widening. About half of the budget will be allocated to equipment purchases...buses that would be used for service...these are no full-size buses they fit 10 to 15 passengers. If for some reason the service did not pan out we would deploy them on the parking lot and replace buses that are ready for replacement.

Alderman Shea stated I was going to ask in terms of the passengers going down and back is it going to be a two-hour span...how have you worked that out or is that going out a little bit ahead of the curve here.

Mr. Dillon replied I guess it really depends on whether we operate the service or contract with someone. If we operate it ourselves we targeted a two-hour headway meaning there would be a bus at each one of the stations every two hours. If we do contract an outside provider it's a little bit more expensive and we're working with that provider right now to try and get it down and could get headway in half-an-hour.

Alderman Shea stated I just want to add that there are people at home that say wow this is going to be a lot of money on my tax rate but you can elaborate that there's no tax money involved here.

Mr. Dillon stated absolutely not this is all from Airport revenue.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- 26.** Communication from Chief Kane requesting the Board's acceptance of a grant in the amount of \$9,375.00 from the State of NH for training in response to Bioterrorism.

Alderman Roy moved to accept a grant in the amount of \$9,375.00. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

- 27.** Communication from Attorney Andrew Sullivan, on behalf of Ronald and Diane St. Hilaire and JAMCO, Inc., requesting the Board vote and affirm that pursuant to RSA 674:41 (I) (d) (1), issuance of building permits on Corson Street, a private way, is authorized.

Alderman Shea stated I would like to make a motion to table this item and that it be referred to the Planning Board with the provision that the public hearing maybe allowed during that meeting. That particular location is in Ward 7 and there's quite a bit of discussion...a gentleman came up to me this evening Mr. Eiler regarding the Sandpiper Condominium group and he indicated that there was a great deal of misunderstanding when the public hearing was held in July and I know that Bob MacKenzie through Ms. DeVries had been contacted about the legal implications here. It's a very complex kind of situation where very detailed as it were and Bob can elaborate slightly or more depending upon his situation there as far as why there are complications and why it is probably the second case in the State that's being settled in this regard for the edification of the members of the Aldermanic Board because we will have to vote again in September and I think that the more information we receive as a Board we might make a more thoughtful response to a decision.

Mr. MacKenzie stated just to be very brief I won't get into the legal issues but there are several issues that the Solicitor's office is aware of but this is kind of a new State Statute that allows the Board of Mayor and Aldermen to grant building permits other than public streets. The State Statute does indicate or require that the Board get input from the Planning Board, so I think the motion would be appropriate to forward this to the Planning Board.

Mayor Guinta stated the motion was to table and refer to the Planning Board.

City Solicitor Clark stated there's no need to table it. What you do is refer it to the Planning Board for their review and report back.

Mayor Guinta stated that would be the motion.

Alderman Shea stated right. But, my motion includes that at the Planning Board meeting I would like the constituents in Ward 7, with the approval of the Planning Board, to be able to discuss their objections to this and not just have the meeting. So, Bob if you could mention that so that the people...they felt they were blindsided really, your Honor, and they didn't have a chance to fully prepare because they weren't fully notified when the Zoning Board took it up. Right now, it's in the hands of the Zoning Board and they tabled it in order for the Aldermen this evening to vote on it and, therefore, it goes to the Planning Board to come back to us. Alderman DeVries duly seconded the motion.

Alderman O'Neil stated I think Alderman Shea answered it but this is the one, one of two that are tabled in the Zoning Board...the second one I think I read waiting for...maybe Tom can help out.

City Solicitor Clark stated I believe there were two. The Zoning Board tabled it to get legal information from our office. We've met with the Zoning Board and are continuing to provide them with information and I believe it is coming up at their meeting on Thursday night.

Alderman O'Neil asked are they two different issues...the Zoning Board issue and the issue before us?

City Solicitor Clark replied no. If the Zoning Board grants it it's done. The statute allows you to go either way. It allows the applicant to go both ways or either way.

Alderman Shea stated if I might ask the City Solicitor. They have a business meeting that they are going to conduct before the regular meeting on Thursday and my understanding is they're waiting for the Aldermanic Board to approve the particular situation that we have before us. In other words to vote to affirm the RSA 674. If we don't approve it this evening how can they grant a variance.

City Solicitor Clark stated the statute gives the applicant represented by Attorney Sullivan the opportunity to go either to the Zoning Board, to the Board of Mayor and Aldermen or to both. In this case he's decided to go to both. The Zoning Board had already tabled it pending more information from City departments and from legal advice from our office provided that. I know the Zoning Board does have a meeting scheduled for Thursday and it's on their agenda. Whether they grant it or not I don't know. But, if they do grant it then that's in their jurisdiction and it would render the matter before the Board of Mayor and Aldermen as moot.

Alderman Shea asked could you repeat the last part of what you said.

City Solicitor Clark stated if they do grant it then the Board of Mayor and Aldermen can't change it. It's within their jurisdiction to do so.

Alderman DeVries stated I had a conversation with the Planning Director over this because it is a new State Statute. I believe we've only seen it once before in the City of Manchester. But, this case is a little different than the prior piece that came before us for a building permit. It might be setting, if I understand the Planning Director and I would ask you to comment...this would be setting a new precedent for the City of Manchester and could have some other implications or perhaps some other impacts above and beyond the immediate condo development that feels impacted...would you care to speak to that?

Mr. MacKenzie stated this is somewhat of a Pandora's Box. The one the Board acted upon previously Watts Avenue was a very separate free-standing lot that was just past Watts Avenue and that I think was appropriate the Board took that action. This one would involve two lots so there will likely be other situations in the City where there are individual free-standing lots not on public streets that then come to the Board looking for a favorable road. At some point, we do like to make sure that lots are on public streets because you can get emergency services to them and for the public safety. So, you wouldn't want to create situations where you had ten lots not on a public street and in effect we had that at one point on Mission Avenue where it wasn't a public street but variances were granted. Ultimately, they came back to the City to fix that and make it a public street.

Alderman DeVries stated if I could follow-up based on that that the implications could be greater than what is apparent to us tonight. It's very important that the Planning Board weigh in on the discussion and give us guidance. I would also ask that we send notification to the Zoning Board that we are concerned with the implications of their approval and ask that they consider to continue their tabling action until after we have gathered all of our information and then give an informed decision on this parcel.

Mayor Guinta asked does that require a separate motion.

City Solicitor Clark replied it probably should be a separate motion but it is appropriate. You can ask the Zoning board to keep it on the table.

Mayor Guinta stated let's take the first motion now and then I'll ask for the second.

Mayor Guinta called for a vote on the motion that it be referred to the Planning Board. There being none opposed, the motion carried.

Alderman Gatsas stated if the Planning Board disapproves it this Board needs a two-thirds vote.

City Solicitor Clark stated they don't disapprove it. The Planning Board will only make a recommendation back to this Board by the statute. The Planning Board will only review the matter and make a recommendation back to the full Board.

Mayor Guinta stated I will now take the second motion.

Alderman DeVries moved to forward to the Zoning Board of Adjustment a note requesting they retable this item pending review by the Planning Board who will report back to the Board of Mayor and Aldermen. Alderman Shea duly seconded the motion.

Alderman O'Neil stated just a comment. In all my time here we have been very, very cautious as a group to get involved with Planning Board jurisdiction or Zoning Board jurisdiction. Individual Aldermen can go and do whatever they want. I just think if we do this for this one we're going to end up doing this regularly and I think we've stayed out of this stuff and let individual Alderman handle it before the Zoning Board and before the Planning Board and we're going to open Pandora's Box on this issue...that every time this comes up we're going to be getting involved in the middle of these things.

Alderman DeVries asked your Honor may I speak to that where it's my motion.

Alderman O'Neil stated let me finish I have the floor. I've seen this come up in many different Boards that I've sat with here and we've always taken a very, very cautious stance about it for that reason. When you do it once you're going to end up having to do it again.

Alderman DeVries stated I would normally agree with you very much those are independent boards staffed by civilians so they are absolutely free of any of the political influence that would come from this Board. I feel differently in this case. We have a new State law that's only been in effect for about a year and it lays out...there's either a decision from the Zoning Board or there is a decision to allow a building permit granted by the governmental entity...that's us. So, State Statute has brought us into this fray and as the Planning Director

implicated to you in this particular situation we are setting a brand new precedent for the City of Manchester. We need to carefully consider the action that we take on this because we will be lining up many individuals to be addressed by the Planning Director rather than me.

Alderman Shea stated I see no reason why we can't get a full reading on this. This is different than going...I go, I'm coming here Thursday night because I have constituents that are interested. I've gone several times to Zoning Boards, I'm not adverse to doing this, this is different. This is a private street, not recognized... you have serious problems with different types of issues. Why is it necessary that we don't get involved. I think that as a governmental body we should become involved in this. We're not going to be becoming involved in everything because this is a unique situation that's going to only occur at this time and it hasn't occurred before but because State law was changed then we should be involved and I'm fighting for my constituents and I can't do this by myself. If we don't do this tonight we give no message to the Zoning Board that we haven't got the full facts nor the Planning Board indicating to them that we want their advice about this. So, I don't see why we're not interested in doing this.

Mayor Guinta stated a final comment from Alderman Osborne and then I'm taking a vote.

Alderman Osborne stated I just had a question for the City Solicitor. If this did happen and there was a piece of property in a particular ward do you think it would be wise in the voting process that the particular alderman that that property lies in would abstain from the vote?

City Solicitor Clark replied there's a personal conflict.

Alderman Osborne stated I think it's a conflict of interest for that particular Alderman in that particular ward seeing it's not a City street. I think it would be left up to the rest of the Board. I think it would be nice to not have to...

Mayor Guinta interjected there's only a conflict if there's a personal benefit to the individual. It doesn't appear that there's a personal benefit, he's just serving his constituents.

Alderman Osborne stated being an Alderman in Ward 5 I would kind of lean toward my constituent, I think, this is what I mean by a conflict of interest.

Mayor Guinta stated but that is what you're supposed to do. I'm going to take a vote.

City Solicitor Clark stated that's the normal process. There is no conflict unless there is a personal interest or a financial interest.

Mayor Guinta asked that the motion be read.

Deputy Clerk Kang replied the motion made was to forward to the Zoning Board of Adjustment a note requesting they retable this item pending review by the Planning Board who will report back to the Board of Mayor and Aldermen.

Alderman O'Neil stated I am going to support this because I want to support my colleague from Ward 7. I don't believe we belong in the middle of this. I hope we don't set a precedent. I hope these things always go to the ZBA and they don't come before the Board of Alderman...that's my personal view. I don't want to get in the middle of these things but I am going to support it tonight because I want to support my colleague from Ward 7 in his efforts.

Alderman Shea stated thank you very much.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

28. Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”

“Amending 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to dispense with the reading of the Ordinances by titles only.

These Ordinances having had their third and final reading by titles only, Alderman Roy moved on passing same to be Ordained. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

Resolution:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Nine Thousand Three Hundred Seventy Five Dollars (\$9,375) for FY2007 CIP 412107 Public Health Preparedness & Bioterrorism Response Program.”

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted that the Resolution be read by title, and it was so done.

Alderman Pinard moved that the Resolution pass and be Enrolled. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

30. NEW BUSINESS

Alderman Lopez stated I'd really like to turn it over to Mr. MacKenzie in reference to the Blacksmith Shop on the west side. I know that Alderman George Smith is not here...he is working with Jane Beaulieu regarding this. I know in March the Committee moved to purchase it and work with the City Solicitor and the Assessor's and we had a meeting last week with certain parties and representatives from the Mayor's Office was there also. With that I would ask Mr. MacKenzie what we need to do because I think he's prepared to tell us what we need to do tonight in order to move forward.

Mr. MacKenzie stated the issue has come back again because the SEPP Committee which handles roughly half of the money that would be required for the Blacksmith Shop...the Blacksmith Shop was originally estimated at about \$200,000 to acquire that property. Parks and Recreation has been working and had gotten an appraisal but we will need some additional money now to do environmental reviews on the property. So, the issue has come back...the Board did act several months ago to support that acquisition through two funds...(1) \$100,000 from a NHDOT reimbursement and then expecting that this SEPP Committee which has as part of its charge to do land preservation in the City would then kick in the other \$200,000 because they had previously acted to support that on Bass Island. They had come back, as I understand it, and felt that perhaps Crystal Lake should be a higher priority than the Blacksmith Shop but they did indicate that they would defer ultimately to the policy direction of this Board. So, it may be appropriate at least on behalf of...to provide the SEPP Committee with guidance to either reconfirm that action to buy the Blacksmith Shop or I guess in this case to consider then looking at a Crystal Lake property that's been under review.

Alderman Lopez moved that we proceed moving for the Blacksmith Shop, let Parks and Recreation undertake it's EPA testing and if per chance they come back to this Board that money to be transferred to Crystal Lake. I think the Alderman from that ward would agree to that. Alderman Shea duly seconded the motion. The motion carried with Alderman Forest duly recorded in opposition.

Alderman DeVries stated could I just ask for clarification on the way results this Board will go here or somehow a report will be sent out when the testing is done on this, the Bass Island property.

Mr. MacKenzie stated what will have to happen and the reason that we will have to allocate some money is that the Parks and Recreation Commission did try to get two grants to pay for these environmental reviews but those grants did not come through. So, we will have to go back to the CIP Committee to find some money to allocate for those environmental reviews

and then we could have the Parks and Recreation Department come back and make those findings to this Board if you'd like.

Alderman DeVries stated the clarification if I could ask for it...what I would want is that the City doesn't take the deed for a property that is destined to become a Brownfields cleanup. So, at some point I would like to know that if the results are indicating such that this Board can take action. However, that is maneuvered I don't really care.

Mr. MacKenzie stated I think normally staff would do their due diligence and if there's any question as to either title or environmental issues they would normally bring that back to the Board.

Alderman DeVries stated anything that would put the taxpayers at risk of additional costs I would like to know about.

Alderman Lopez stated the Library Director's here if she wants to say anything but with the new air conditioning we have at the Library and with the heat wave we have it might be nice if people go over there and enjoy themselves reading a book and with the new buses that we have maybe people can jump on a air conditioned bus and ride around the enjoy during the heat. Thank you.

Alderman Forest stated I have a communication that I've passed out to the Aldermen today about political signs. Election year is here for state offices and it's already started...signs are being illegally put up all over the City...they're down on Canal Street, they're at the traffic circle at the Amoskeag interchange, there's some along Elm Street. According to our city ordinances we have to call the Building Department, the Building Department in turn calls the Highway Department, the Highway Department probably calls the Police Department and by the time they get taken off the election may be over and they are an eyesore all over the City and I'm not saying they're just republicans or anything...they're republicans, they're democrats and there are some individual groups out there that are putting signs all over the City. I would move to ask this Board to give the authority to the Highway Department so when they see them they are allowed to taken them down...they're going to get called anyway.

Alderman Gatsas stated I guess I know where it's being directed, Alderman Forest.

Alderman Forest stated no, it's not your signs...so don't go there.

Alderman Gatsas stated well I haven't seen any others.

Alderman Forest stated they're Coburn signs. They're all over the Amoskeag interchange...they're democrat, republican and others.

Alderman Gatsas stated let me just clarify...if you're saying that they're put on State or City property I agree with you.

Alderman Forest reiterated they're on State and City property.

Alderman Gatsas stated I don't disagree with that. If they're put on personal property I would say...I don't disagree.

Mayor Guinta stated the Amoskeag Traffic Circle had Coburn signs and I don't know who did the other ones but I'm sure Jim didn't put that one up.

Alderman O'Neil stated there's something about a Gas Tax and they're all over the place...they're not the big blue and gold ones.

Alderman Forest stated it's not only the political signs...there's some signs too.

Alderman Lopez duly seconded the motion but would add Parks lands...any City property...let's get them off.

Mayor Guinta stated enforce the ordinance.

Alderman Forest stated absolutely. They're getting out of hand already and we're only two days into it.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Mayor Guinta asked are there any other items of new business?

Alderman Forest replied I also have one more. I have asked Ron Ludwig and Chuck DePrima for Parks and Recreation...I received a couple of e-mails last week from one high school constituent and one lady who lives on Dunbarton Road. There was a swing set down at Blodgett Park which is in the Maxwell Pond area and also a basketball court there that's probably been there 60 years in real disrepair. I know I talked to Chuck DePrima from Parks and Recreation about it and Ron and they have informed me that a small minimum size playground is \$150,000 but there are low-income people living at Garden Drive, English Village and all that...they did use that swing set and what I'm trying to do is get this Board to at least find a way to put the playground back in and resurface that basketball court down

there for the kids and so everyone else can use that park at Maxwell Pond. Again, I've asked Ron to research it...they're not cheap.

Alderman Forest moved that this request regarding the playground at Blodgett Park (Maxwell Pond area) be referred to the Committee on Community Improvement. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

Alderman Duval stated we certainly spoon fed Riley Yates tonight...we had two interesting lines...we had the Parks Director reporting that the we're on "thin ice" with the JFK and the second thing was the Airport Director proposing a "pilot program". With regarding to the Weston Street Firehouse a couple of things real quick. First of all, I appreciate the support of the Board in addressing this in a timely fashion. We heard from one resident from Ward 4 tonight who certainly appreciates the immediate action of this Board and I just want to commend my colleagues for that support. But, I would like to bring complete closure to the demolition of the Weston Street Firehouse by requesting the Building Commissioner maybe via the Clerk's office to submit to this Board for the next meeting (September 5th) a post-demolition report. There were a number of comments made regarding the condition of the firehouse and I think it's important that we bring closure to it so that the Board fully understands and our community understands what the condition was factually of that firehouse and how deteriorated it was because the report submitted in March by the engineering firm that the Public Buildings Services Division obtained certainly was not exaggerated at all. In fact, the condition was actually understated. The condition was much worse than the engineering study thought it was so I just want to make sure that's clear and hopefully we can get that into the Building Commissioner's hands tomorrow.

Alderman Gatsas stated I'd like to recommend that we send to the Committee on Administration an opportunity to take a look at the Disabilities Tax Exemption so that there is some parody from what we assumed as a deduction versus the increase, what their new assessment may be so that there is parody in there based on the '06 number and maybe if we want to look at it for the Elderly too, I think, so that we can look at it. I'm not looking to reduce the revenue but at least flatten it from what their assessed valuation was this time versus the last time. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

Alderman O'Neil stated this came up in a conversation with Alderman Gatsas earlier...there's a concern that...have we done everything proper regarding the classification of positions for the Parking system? Alderman Gatsas and I had a discussion earlier...I don't want to speak for you but the classifications haven't appeared before the Human Resources Committee but yet the position's posted and I don't recall that we suspended anything and referred to committees. Maybe we did but I can't recall and secondly the other thing I'd like to put to rest is that there is some thought that we had stated as part of this plan

we would take a look at the Parking Control Officer's (PCO's) whether or not they remain in the Police Department or come to the Parking Enterprise sometime down the road and I'm hearing grumblings out there that there's talk about it happening right away. This Board has not taken any action but today and for the next few months as far as I'm concerned they're going to remain at the Police Department charged to the Enterprise system...Police Department should be charging the Enterprise system for their salaries and benefits.

Ms. Lamberton stated I don't have any record of the Parking Manager position being approved, however, the Board did instruct us in Human Resources to move forward advertising it and I think the hope was that it would all catch up with itself but I haven't seen anything other than the original proposal.

Mayor Guinta stated so it still has to go to the Human Resources Committee.

Ms. Lamberton stated I did a class specification and it went to the Board, I believe, several months ago.

Alderman Lopez stated Alderman O'Neil I think if we go back to the minutes when we talked about putting Parking into the Enterprise and we had Randy Sherman before us and others we talked about a job description that we received from somewhere...

Alderman O'Neil stated the consultant.

Alderman Lopez stated yes the consultant, thank you. I'm pretty sure that we or the committee voted to move forward with Parking and to advertise the Parking Manager and instruct Paul Borek to move forward...I'm pretty sure of that.

Alderman O'Neil stated the question was asked of me by Alderman Gatsas and I couldn't give him an honest answer because I can't remember if that actually happened or not.

Alderman Lopez stated yes it happened and you can research the minutes and I'm sure you'll find it.

Alderman Gatsas stated I don't disagree that it happened I don't think anything's come to Human Resources to put the position in place.

Alderman Lopez stated that's a good question too. I think the Enterprise system...doesn't it work different a little bit?

Mayor Guinta stated why don't we do this...let me have the Solicitor work with the City Clerk to make sure that all of the proper referrals have been made and whatever has not been made let's get that done in the next week or so.

Alderman Gatsas stated the other thing I'd like to refer to Administration is that I've had some people with Disabilities that get the placards put on their windshields...they're in a wheelchair and trying to remove them is sometimes difficult...some sort of a review of an ordinance that disallows people from putting flyers on windshields that have disabled plates so that they have the ability to either not put them on so that the person doesn't have the problem of having to drive with it on there because he can't get it.

Mayor Guinta stated unsolicited flyers.

Alderman Gatsas stated correct.

Alderman Forest stated, your Honor, I believe we have city ordinances already in place.

Mayor Guinta asked would you look at it and let us know if it needs to be referred to committee.

City Solicitor Clark replied we'd be happy to look at it I believe that out of the Litter Ordinance but there's a problem with political speech and free speech but we'll take a look at it.

On motion of Alderman Long, duly seconded by Alderman Pinard, it was voted to enter non-public session pursuant to RSA 91-A:3 II (a).

Mayor Guinta called the meeting back to order.

Mayor Guinta advised actions there were no actions taken during the non-public session.

There being no further business to come before the Board, on motion of Alderman Long, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

City Clerk